
**SWORN STATEMENT IN SUPPORT OF THE CHARGE OF COMMON ASSAULT,
INTIMIDATION AND *CRIMEN INJURIA***

I, the undersigned

CASSIE MOLLER

([REDACTED])

hereby declare under oath:

1.

that I am an adult male, I live in Tzaneen and work as a manager at a company that installs kitchen cupboards.

2.

On 6 August 2014, at around 02:20, [REDACTED] ("my wife") and I stopped at the [REDACTED] to order food. The [REDACTED] is located at [REDACTED], Tzaneen. My wife went into [REDACTED] while I waited in the car. We did not want to leave the car alone at that hour of the night.

3.

My wife waited patiently for a few minutes to place an order, and during this time, a group of men, who were waiting with her, started talking to her. They specifically wanted to know "where they could go to continue drinking". It appeared that they have already had a few drinks as one could smell liquor on their breaths. I also saw that the group of people inside the restaurant, as well as those in the parking lot outside the restaurant, were drinking a beverage from whiskey glasses. To me the beverage looked like whiskey.

4.

My wife placed the order, namely two (2) hamburgers, at approximately 02:29 and, according to the custom in fast food restaurants, payment had to take place with placing the order. The group of men continued the conversation with my wife while she was waiting to collect the order.

5.

I waited in our vehicle where it was parked right at the entrance to the [REDACTED], and over the distance between me and the [REDACTED], I could clearly see from my position outside the [REDACTED]:

- 5.1 how my wife placed the order; and
- 5.2 that the group of males talked to her.

6.

At approximately 02:40 my wife had still not received her order. She walked outside to our vehicle and told me that she had not received service.

7.

My wife returned to the [REDACTED], but no staff member assisted her. After a few minutes, my wife called me to join her so that I could enquire why the order was taking so long.

8.

I initially decided to wait a few more minutes in the hope that the order would be ready, but to no avail. Therefore, I went into the [REDACTED] and found that there was no staff member manning the cash register to assist patrons. I did however see staff members standing around in the kitchen and waved my hand in an effort to draw their attention. I also called out to them to draw their attention.

9.

The staff members then looked at me and I explained to them that we had been waiting for a long time and that I wanted to know why the order was taking so long. I also explained to the group near the cash register that I had been waiting very long for a small order. Two men, who were standing in the restaurant, also complained that the service had been slow.

10.

I then returned to the staff members of the [REDACTED] and insisted on a refund, as there was no indication that our order was going to be delivered.

11.

While I was looking in front me, I felt a heavy slap on my back. When I turned around, there was a person standing very close to me and who asked me in a very hostile way: "Who do you think you are!?" He repeatedly asked the question and in between the questions, he called me a "Boer". At that point I recognised the person as Julius Malema, a member of the South African parliament and also the leader of the political party, the Economic Freedom Fighters (EFF). He also started telling us:

"Get out! Get out!" and he called me a "Boer" again. His tone of voice clearly showed his intention to use the word in a derogatory manner.

12.

I was convinced that he would not have hesitated to become violent and immediately told him in a friendly manner: "I am not here to fight with anyone, I just want to find out why my order is taking so long." At that stage, I realised that I was surrounded and that my wife was also standing among the men in the restaurant.

13.

Julius Malema became more aggressive and started shouting. He started pushing me against my will and he tried to physically remove me from the [REDACTED].

14.

Julius Malema continued to push me around and I continued to explain that I just wanted to ask for a refund and go home. I noticed that more and more people started flocking together and I became panic-stricken. I was especially concerned for my wife because I would not have been in a position to protect her from the group of men. It was a very intimidating situation.

15.

I continued to explain that I did not want to fight, but Julius Malema's aggressiveness just increased. He started shouting louder and swore at me in the words: "Fuck you, you Boer! Fuck you!" During the shouting, I also heard him telling me: "I will fuck you up!"

16.

He then pushed me hard. With this push I stepped back in an effort to maintain my balance and in the process bumped into the person behind me. The impact caused the person behind me to stumble. I kept on explaining that I did not want to fight. Julius Malema pushed me for the third time. He also waved his finger repeatedly in front of my face and pointed with his finger at my face while he raised his voice to me. Some of the other men in the restaurant also waved their fingers in front of my face.

17.

The group that was standing there, started flocking together and pushed me around against my will. They mocked me and some of the men in the restaurant pushed me and slapped me on my back. At last my wife received the order and then they pushed me out of the [REDACTED]. When my wife walked out of the restaurant one of the men put his hand on her back and also pushed her out the door. I could

smell that they had been drinking and out of fear I did not resist. I was scared and felt intimidated.

18.

I present visual material together with this statement that reflects the whole incident. The visual material comes from the closed circuit television cameras in the [REDACTED] and the material was obtained by my legal representative, according to the regulations of the Promotion of Access to Information Act. The visual material was recorded from two (2) angles and I indicate below the main features of what I observed:

- 18.1. **02:26:46** – My wife enters the [REDACTED] and wait in line to place an order. A group of men start talking to her.
- 18.2. **02:29:25** – It is clearly visible on the video that some of the people are drinking a beverage, that looked like whiskey, from whiskey glasses. They talk to my wife.
- 18.3. **02:29:50** – My wife places the order for two (2) small hamburgers.
- 18.4. **02:30:50 – 02:37.04** – The group continues the conversation with my wife..
- 18.5. **02:40:02** – After I call my wife, my wife steps out of the restaurant to explain to me that there is a delay.
- 18.6. **02:43:17** – My wife signals to me to enter the restaurant.
- 18.7. **02:44:50** – My wife walks outside and ask me to come and help with the order.
- 18.8. **02:45:18** – I enter the [REDACTED] and ask what the reason for the delay is.
- 18.9. **02:45:32** – Julius Malema enters the [REDACTED] and slaps me on the back.
- 18.10. **02:54:41** – Malema presses his hand against my shoulder and tries to push me aside. He entered my personal space against my will.
- 18.11. **02:45:44** - His aggressiveness increases and he starts pushing me harder. He raises his voice even more and swears at me.
- 18.12. **02:45:47** – Bystanders try in vain to hold his arms in an effort to stop him from pushing me.
- 18.13. **02:45:48** – Julius Malema pulls his arms free from the bystander who holds them and pushes me hard against my chest. The group of people start flocking together closer.
- 18.14. **02:45:51** – Julius Malema pushes me for the second time.
- 18.15. **02:45:53** – Julius Malema pushes me for the third time and continues to swear and shout at me. Hy continuously waves his finger in my face.

18.16. **02:46:29** – The group starts to push me and eventually pushes me out of the [REDACTED].

19.

During this incident Julius Malema:

- 19.1. assaulted me on purpose by physically pushing me around against my will;
- 19.2. intimidated me by physically pushing me around, as well as by swearing at me and by threatening me; and
- 19.3. attacked my dignity by swearing at me in public and insulting me.

20.

I therefore request that this matter is investigated.

CASSIE MOLLER

I CERTIFY that the **DEPONENT** acknowledges he knows and understands the content of this statement that was signed and attested at _____ on this _____ day of **OCTOBER 2014** in front of me and that the Regulations of GOVERNMENT NOTICE R1258 of 21 JULY 1972 (as ammended) has been adhered to.